

ORDINANCE NUMBER 04-10210

AN ORDINANCE DETERMINING THAT PIT BULL DOGS ARE UNIQUELY DANGEROUS DOGS AND PROHIBITING THEIR OWNERSHIP AND POSSESSION IN THE CITY LIMITS, WITH CERTAIN EXCEPTIONS.

WHEREAS, local governmental bodies possess broad powers to regulate the ownership and possession of dogs within the community; and

WHEREAS, the Kansas Supreme Court has determined that pit bull dogs:

- (a) represent a unique public health hazard not presented by other breeds or mixes of dogs;
- (b) possess both the capacity for extraordinarily savage behavior and physical capabilities in excess of those possessed by many other breeds or mixes of dogs; and
- (c) have an unpredictable nature;

WHEREAS, the governing body finds that pit bull dogs are uniquely dangerous dogs and desires to enhance the public health, safety, and welfare by prohibiting their ownership and possession within the city limits, with certain exceptions.

BE IT ORDAINED by the Governing Body of Salina, Kansas:

Section 1. Definitions.

For purposed of this ordinance, the definitions set forth in Section 7.1 of Chapter 7 of the Salina Code are incorporated by reference. The following words and phrases when used in this ordinance, shall have the meanings respectively, ascribed to them:

- (1) "Enforcement Authority" means the city manager, chief of police, animal control supervisor and their respective designees.
- (2) "Pit Bull Dog" is defined to mean any and all of the following dogs:
 - (a) The Staffordshire Bull Terrier breed of dogs;
 - (b) The American Staffordshire Terrier breed of dogs;
 - (c) The American Pit Bull Terrier breed of dog;
 - (d) Any other breed commonly known as Pit Bull, Pit Bull Dog, or Pit Bull Terrier;
 - (e) Dogs which have the appearance and characteristics of being predominantly of the breed of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

The registration of a dog with a dog association or in any governmental jurisdiction as a pit bull or any of the dogs listed above shall constitute prima facie evidence the animal is prohibited by this ordinance.

Section 2. Prohibition

No resident shall own, keep, harbor, or in any way possess a pit bull dog within the city limits of Salina, Kansas. The City Manager shall implement administrative regulations related to standards and requirements to protect the public safety governing non-resident possession of a pit bull dog within the city limits on a temporary basis.

Section 3. Exception

Pit bull dogs located within the city limits and lawfully registered with the City of Salina on the effective date of this ordinance may be kept within the city limits upon strict compliance with the standards and requirements set forth in Section 4.

Section 4. Standards and Requirements

The keeping of a pit bull dog eligible for the exception under Section 3 shall be subject to the following mandatory requirements:

(1) Special Permit Required

A special annual permit shall be required for keeping of any pit bull dog eligible for the exception under Section 3. No permit shall be granted except with such conditions attached as shall, in the opinion of the enforcement authority, reasonably protect the public health, safety and welfare. A temporary permit may be issued following application and pending final disposition of the application. Permits shall only be issued to adults.

(2) Application for Permit

An application for a pit bull dog permit pursuant to this ordinance shall be made no later than 30 days following the effective date of this ordinance. The application shall be on forms provided by the city, with its form, content and submittal requirements to be determined by the city manager.

(3) Permit Fee

An initial application fee for an annual permit shall be \$50.00 for each pit bull dog. Annual renewal fees shall be \$25.00 for one pit bull dog plus an additional \$10.00 for each additional pit bull dog owned by the same individual and kept or harbored on the same premises.

(4) Standards and Requirements

The keeping of a specially permitted pit bull dog in the city limits shall be subject to the following mandatory requirements, in addition to compliance with all other state and local laws and regulations:

- (a) Leash Requirement Outside of Pen. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless an adult is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings.
- (b) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel. Such pen or kennel must meet administrative regulations for construction and location standards established by the city manager. All structures used to confine specially permitted pit bull dogs must be locked by a key or combination lock when such animals are within the structure.
- (c) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- (d) Microchipping. All pit bull dogs shall have an identification microchip implanted in the dog. Such microchipping shall be accomplished by a licensed veterinarian or by the Salina-Saline County Animal Shelter as part of the special permitting process. The applicant for a special permit under this ordinance shall file proof of microchipping if it has already taken place or is to be accomplished outside the permitting process.
- (e) Signs. All owners of pit bull dogs shall within 30 days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- (f) Special Collar. All pit bull dogs shall be required to wear a special designated color collar at all times when not confined indoors. The collar shall be visibly on the dog when it is in a kennel or pen, or on a leash. The collar shall be either one issued by the City during the special permit process, or one provided by the owner and approved by the City. The Enforcement Authority shall designate the specific color required.
- (g) Insurance. All owners of pit bull dogs shall, within thirty (30) days of the effective date of this ordinance obtain and have in effect public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such pit bull dog. At the time of initial application for a special permit, the owner, keeper or harbinger must present proof of the required insurance. At the time of subsequent registration renewal, the owner, keeper or harbinger shall show proof of insurance for the present registration period and proof that there was continuous insurance coverage throughout the period of the prior special permit year. In the event said liability insurance is canceled, lapsed or for any other reason becomes non-enforceable, said owner, keeper or harbinger shall be in violation of the provisions of this ordinance. The owner, harbinger or keeper shall notify the City within ten (10) days of any cancellation, lapse or non-enforceability of this insurance, and provide proof substitute coverage has been obtained. The insurance may be in the form of a special liability policy or a standard homeowners or renters insurance policy from a Kansas licensed insurer which does not have a policy of limiting or excluding coverage due to pit bull dog ownership.
- (h) Identification Photographs. All owners of pit bull dogs shall make available the dog during the special permit process in order to allow the City to obtain digital photographs of the registered animal for identification purposes.
- (i) Reporting Requirements. All owners of specially permitted pit bull dogs shall, within ten (10) days of the occurrence, report the following information in writing to the City.
- (1) The removal from the city limits or death of a specially permitted pit bull dog.
 - (2) The birth of offspring of the specially permitted pit bull dog.
 - (3) The new address of the premises where the pit bull dog is kept or harbored should the owner move within the city limits.
- (j) Animals Born to Specially Permitted Dogs. All offspring born of pit bull dogs specially permitted with the City must be removed from the city limits within six (6) weeks of their birth.

Section 5. Sale or Transfer of Ownership Prohibited.

No person shall sell, barter or in any other way transfer ownership of a pit bull dog to any person within the city limits unless the recipient person is an adult permanently residing in the same household and on the same premises as the owner issued the special permit.

Section 6. Duty of Owners: Failure to Comply.

The purpose of the requirements in this ordinance governing pit bull dogs is to prevent attacks, injuries or deaths by mandating use of control methods. It is the positive duty of any owner of a pit bull dog to take all necessary steps to comply with this ordinance. It is unlawful for the owner of a pit bull dog within the city limits of Salina to fail to comply with the provisions of this ordinance.

Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. Failure to comply shall also be considered good cause for the revocation

of any license or special permit issued allowing for the keeping of the subject dog, resulting in the immediate removal of the animal from the City.

Section 7. Costs to be paid by responsible persons.

Any reasonable costs incurred by the City in seizing, impounding, confining or disposing of any pit bull dog pursuant to the provisions of this ordinance shall be charged against the owner of such animal and shall be subject to collection by any lawful means.

Section 8. Administration and Enforcement.

It shall be the duty of the city manager, through the enforcement authority to administer and enforce the provisions of this ordinance. The city manager shall have authority to establish reasonable administrative regulations, policies and procedures as needed to effectively carry out the spirit and intent of this ordinance.

Section 9. Penalties.

Wherever in this ordinance any act is prohibited or is declared to be unlawful or the performance of any act is required or the failure to do any act is declared to be unlawful, the violation of any provision of this ordinance shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment for a period not exceeding one (1) year, or by both fine and imprisonment, at the discretion of the court. Each day any violation of this ordinance continues shall constitute a separate offense.


Section 10. That this ordinance shall be effective August 1, 2004 and published once in the official city newspaper.

Introduced: June 21, 2004
Passed: June 28, 2004


Monte Shadwick, Mayor

[SEAL]

ATTEST:


Lieu Ann Elsey, City Clerk

ORDINANCE NUMBER 04-10224

AN ORDINANCE AMENDING ORDINANCE NO. 04-10210 RELATED TO LEASH REQUIREMENTS FOR PIT BULL DOGS AND REPEALING EXISTING SECTION 4(4)(a).

BE IT ORDAINED by the Governing Body of Salina, Kansas:

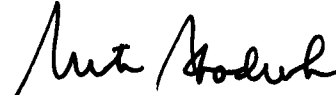
Section 1. That Section 4(4)(a) of Ordinance No. 04-10210 is hereby amended to read as follows:

“(a) Leash Requirement Outside of Pen. No person shall permit a pit bull dog to go outside the owner’s residential structure or the dog’s kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length and an adult is in physical control of the leash; provided however, that a pit bull dog may be in the rear yard of the owner’s premises without a leash when the rear yard is securely fenced and an adult is physically present in the rear yard with the dog. No person shall permit a pit bull dog to be kept on a chain or rope outside its kennel or pen and no pit bull dog may be leashed or tethered to inanimate objects such as trees, posts or buildings.”


Section 2. That the existing Section 4(4)(a) is hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

Introduced: August 2, 2004
Passed: August 9, 2004


Monte Shadwick, Mayor

[SEAL]
ATTEST:


Lieu Ann Elsey, City Clerk